

## **1. Purpose**

This policy sets out how RMHS manages the end of a tenancy, ensuring it is handled fairly, consistently, and in line with legal and regulatory requirements. It outlines expectations for both residents and staff to enable smooth transitions, maintain property standards, and support residents in moving on successfully or, in the event of death, to manage the tenancy closure sensitively and appropriately.

## **2. Legal and Regulatory Framework**

This policy is informed by the following legislation and guidance:

- Housing Act 1988 (as amended)
- The Housing (Scotland) Acts 1987, 2001 and 2006
- Private Housing (Tenancies) (Scotland) Act 2016
- Renting Homes (Wales) Act 2016

## **3. Policy Statement and Approach**

We are committed to ensuring that end of tenancy processes are managed transparently, efficiently, and compassionately. RMHS will support residents to leave their accommodation in a planned and positive way, including providing guidance on ending their tenancy, return of keys, property condition expectations, and signposting to further support. In cases where a resident dies, we will handle the process with dignity, engage with next of kin or representatives respectfully, and follow legal procedures. We will also ensure that appropriate asset management actions are taken to protect and prepare the property for disposal or re-letting.

## **4. Principles**

- Residents will receive clear information on how to end their tenancy
- RMHS will conduct pre-termination inspections where possible
- Fair wear and tear will be distinguished from damage or neglect
- Resident charges will be clear, proportionate, and compliant with legal obligations
- When a resident dies, we will act with empathy and in accordance with legal requirements regarding the estate and belongings
- Asset management procedures will be promptly triggered at tenancy end to ensure safety, security, and compliance

## **5. Operational Specifics**

### **5.1. Termination by the resident**

- Notice periods must comply with tenancy agreements and relevant housing law
- Keys must be returned by the agreed date and time
- The Housing Management Team will send a list of items that must be removed or remedied before the tenancy ends.
- The surveyor will carry out an inspection once the keys have been handed back and any items left behind, including white goods, will be disposed of and any charges incurred will be recharged to resident.
- The disposal of or return of any aids to the local authority is the responsibility of the resident/next of kin.
- If the resident wishes communication regarding the end of tenancy to be with a next of kin or there must be a Lasting Power of Attorney in place (see Next of Kin & LPA policy).

### **5.2. Termination due to a resident death**

- In the event of a resident death, RMHS will liaise with the executors of the estate. In order to do this we require a copy of the will and certified copy of executor ID before we can communicate with the relevant person. We ask for one executor to lead the communication, and to do this we require written confirmation from the second executor.
- Where there is no known next of kin, RMHS will apply to the local authority or Public Trustee for guidance or permission to take possession. Personal belongings must be inventoried and stored for a reasonable period, before being disposed of in accordance with legal advice. Throughout, clear records will be kept and efforts made to confirm no relatives or representatives exist.
- **Succession** – where a spouse is not a joint tenant, a spouse or long-term partner may be legally eligible to succeed to the tenancy.
- **Death Certificate:** a copy of the death certificate is needed as proof of the date of death. The tenancy legally ends on the date of death and all housing benefit or universal credits payments will cease from that date.
- **Property Clearance Notice Period** - RMHS understands that time is needed to make arrangements and to clear the property and we can allow 6 weeks from the date of death for this to be done. In exceptional circumstances, an application can be made to RMHS to extend the time allowed for a short period. The estate will be responsible for a Use & Occupation charge (equivalent to standard rent), utilities and council tax during this period. The estate is permitted to hand the property back earlier than the 6 weeks with agreement from RMHS. RMHS must inform the estate that they must also allow for access if compliance check become due.
- **Rent Due or Overpayments of Rent** When everything is concluded we will review the rent account and if any monies are due to RMHS we may make a claim against any estate. If there is a credit in the account this can be paid to the estate.

### **5.3. Housing Management duties at Tenancy End**

- Be the main contact for communication with resident or next of kin where there is an LPA in place, or the executor. Provide regular updates.
- Ensure HomeMaster has an executor account for the deceased resident and is added to the account on the date following the tenants death.
- Where there is a LPA for the resident, add the nominated person in the LPA to the HomeMaster account and link to the tenant.
- Finalize any payments outstanding or owed to the resident/estate
- Communicate with resident/executor re clearing property.
- Request meter readings and information on utilities companies
- Ensure rent payments cease at the end of tenancy.
- Ensure Occupancy & Use charges are collected and cease at end of the Property Clearance Notice Period
- Communicate with utilities companies/council tax to ensure they have the correct details for billing once tenancy ends (using End of Tenancy form).
- Provide final rent statement
- Hand over to Property Transactions Coordinator.

### **5.4. Asset Management responsibilities at Tenancy End**

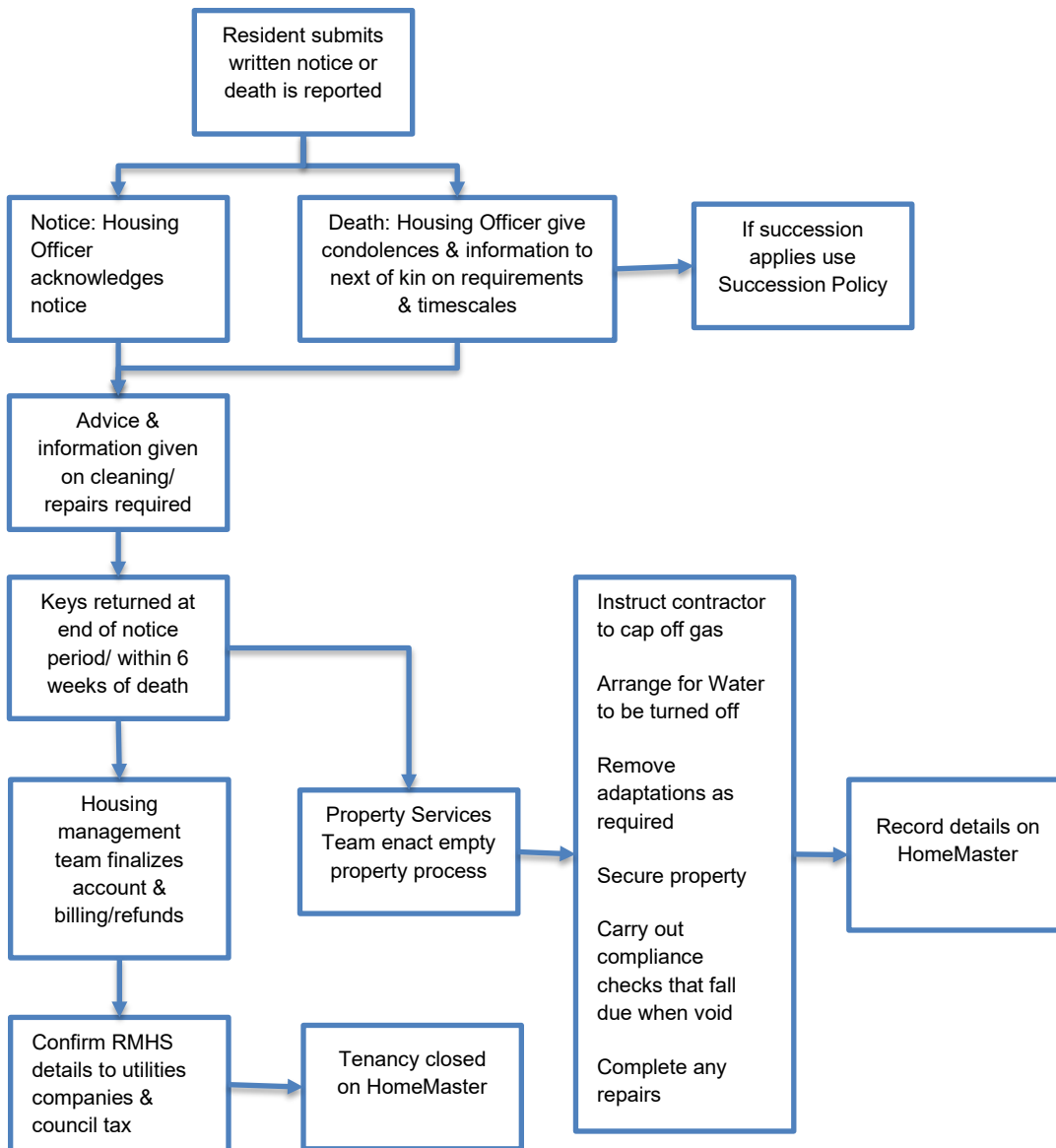
- **Inspection:** after tenancy has ended to identify any recharge items and any repairs and maintenance that needs to be carried out before sale or re-let.
- **Gas:** Arrange for gas to be capped off by a Gas Safe engineer
- **Water:** Turn off water supply and check for leaks or flood risk
- **Electricity:** Isolate electricity if appropriate and check for faults
- **Security:** Secure the property and install key safe.
- **Cleaning:** Remove refuse and arrange for deep cleaning where needed (recharges may apply).
- **Aids & adaptations:** Arrange for the removal of stairlifts and other adaptations as needed.
- **Compliance:** Ensure statutory safety checks are up to date and certificates are available (e.g. gas safety, electrical installation condition reports, smoke alarm testing)
- **Repairs:** Identify and log any major repairs, compliance breaches, or component replacements

## **6. Monitoring and Record-Keeping**

All end of tenancy processes will be logged on HomeMaster, including notices received, inspections completed, gas/electric actions taken, and any recharges applied. Patterns in tenancy failure, early endings, or asset issues will be reviewed periodically to inform service and asset planning.

# **RMHS End of Tenancy Policy & Procedure**

## **7. Procedure (Flowchart)**



## **8. Version Control**

Version: 1.0

Review cycle: Every 3 years unless there is a significant incident or a change to regulations

Approval Date: September 2025

Review Date: September 2028